



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,111	05/31/2001	Kenneth D. Comstock	035451-0136 (3652.Palm)	9798
26371	7590	10/07/2009		
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			EXAMINER TAYLOR, BARRY W	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/07/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Continuation Sheet (PTO-303)**

1. Applicants contend that Carlson only shows the second wireless device and the service provider represent the same device and billing and payment negotiations in Carlson all appear to be limited to negotiations between the first wireless device and second wireless device (see paper dated 9/28/2009).

The Examiner disagrees. Carlson figure 1 clearly shows cell phoness (i.e. second wireless devices 124) used to provide Internet connection (item 143, **please note that the Internet connection can be wired 145 or wireless 147**) to a first wireless device (i.e. first wireless device 114). Carlson is very clear that first wireless device sends request for service to connection providerss that are within range and in response the connection providerss reply with a service offer (paragraphs 0036, 0043, 0058, claims 3 and 16). In other words, Applicants contend that Carlson only shows one service provider offering Internet connection to the first wireless device via only one second wireless device. Instead, Carlson clearly teaches **different mobile wireless access points offering wireless Internet connections to the first device having different service offers** based upon availability, cost, speed, guaranteed speed, etc. This clearly implies that there would be more than two accounts. One account gets debited (i.e. the first device) and one or two or three or more accounts would get credited (i.e. depending on how many mobile wireless access points get selected by the first device to connect to the Internet).

Carlson allows the first mobile device to **switch to a different mobile wireless access point even after the “best deal” has been found** (paragraph 0047). For example, the first wireless device selects the mobile wireless access point offering Internet connection for 10 cents per minute (i.e. the first Internet Access provider) then later on another mobile wireless access point offering Internet connection for 5 cents per minute (i.e. a second Internet Access provider) moves into range of the first wireless device. The first wireless device would then switch to the mobile wireless access point that offers the **best deal**. In this Example, both the first Internet Access provider and second Internet Access provider would get credited since the **first wireless device switches from the first Internet Access provider offering 10 cents per minute to another Internet Service Provider offering 5 cents per minute**. Furthermore, using one account for both the mobile wireless access point and Internet service provider or using two separate accounts for the mobile wireless access point and Internet Service provider would have been an obvious measure to one of ordinary skill in the art at the time of invention.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kent Chang, can be reached at (571) 272-7667. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2617

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number **(571-273-8300)**.

/Barry W Taylor/

Primary Examiner, Art Unit 2617